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OO RUEHDBU RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR
DE RUEHPS #0617/01 2211332
ZNY CCCCC ZZH
O 091332Z AUG 07
FM USOFFICE PRISTINA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7606
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUEHNO/USMISSION USNATO PRIORITY 0970
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1249
RHFMISS/AFSOUTH NAPLES IT PRIORITY
RHMFISS/CDR TF FALCON PRIORITY
RHEFDIA/DIA WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEPGEA/CDR650THMIGP SHAPE BE PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY
RUFOANA/USNIC PRISTINA SR PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 000617

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DEPT FOR DRL, INL, SCRS, PRM, EUR/SCE
NSC FOR BRAUN
USUN FOR DREW SCHUFLETOWSKI
EUR/ACE FOR MAYHEW

E.O. 12958: DECL: 08/09/2017

TAGS: [PGOV](#) [PINR](#) [PREL](#) [EAID](#) [PREF](#) [PHUM](#) [SOCI](#) [UNMIK](#) [KV](#)

SUBJECT: KOSOVO: DEPORTATION OF FAILED ASYLUM SEEKERS FROM
WESTERN EUROPE MAY DISPROPORTIONATELY AFFECT RAE

Classified By: CDA ALEX LASKARIS FOR REASONS 1.4 (b), (d)

¶1. (SBU) SUMMARY. According to UNMIK's Office of Communities, Returns and Minorities (OCRM), more than 47,500 people have been deported to Kosovo since 2000, with Germany alone accounting for 8,454. Concern is growing among internationals, the PISG, and the Roma, Ashkali, and Egyptian (RAE) communities that any resolution of Kosovo's status and the corresponding end to UNMIK's restraining role could bring an increase in deportations for which Kosovo is unprepared. The PISG and municipal governments in Kosovo are not ready to handle any increase. Our understanding is that persons with bona fide claims to refugee status are unaffected. These actions appear directed at economic migrants, many of whom are members of the RAE community. We do not doubt that living conditions for Roma in Germany are far superior to what they could expect in Kosovo even in the best-case scenario. END SUMMARY.

BACKGROUND: REPATRIATION PROCESS

¶2. (C) The ranks of those displaced from Kosovo include upwards of 100,000 who have been denied refugee or permanent legal status in a third country, often referred to as "failed asylum seekers." According to UNMIK/OCRM head Shahzad Bangash, Germany alone hosts some 53,000 people in this category, of whom some 38,000 are from the RAE community. All have received some form of administrative order to leave the host country. Since 1999, UNMIK has worked with more than 20 Western European countries to manage the deportation process, and has signed Memorandums of Understanding (MoUs) with Germany, Switzerland, and Sweden in an effort to avoid deportations of persons UNMIK considers in need of international protection.

¶3. (U) A 2003 MoU between UNMIK and the German government set a maximum limit of 50-100 deportations per month, giving UNMIK/OCRM discretionary powers to screen and refuse cases it deemed too vulnerable for such returns. (Note: This screening process was extended to the MoUs with Switzerland and Sweden. End Note.) German complaints led to revision of

the MoU in May 2005, increasing the limit to 300-500 per month. Based on official UNHCR policy regarding repatriation of persons in need of international protection, UNMIK has consistently refused to accept any repatriations of Kosovo Serbs, Roma, or Kosovo Albanians from areas where they would be the minority, and certain other groups. To date, deportees have largely been Ashkalis, Egyptians, and Albanians returning to Albanian-majority areas.

SUPPORT FROM HOST COUNTRIES LIMITED

14. (SBU) Concern is growing among many international observers and within the PISG that final status resolution could lead to an increase in the number of deportations once UNMIK's authority (and the MoUs) is terminated. Host countries have generally proved unwilling to support projects assisting deportees in Kosovo; Germany, by far the biggest potential source of deportees, has taken some limited steps to assist, including agreeing in January 2006 to second two German liaison officers to UNMIK to assist with its repatriation cases and increase transparency in the process.

15. (C) According to Monika Lenhard of the German Liaison Office, recent German legislation would allow some Kosovars without legal status to remain, provided they have been in Germany for six to eight years and are able to secure employment by September 2008; however, Lenhard admits that estimating the potential number of beneficiaries of this new law is impossible. Her explanation is that the German government feels it has hosted these asylum seekers long enough and that the time has come to send them home. (Note: Egyptian Kosovo Assembly Member Xhevdet Neziraj recently admitted to USOP that many Kosovo Egyptian failed asylum

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seekers living in the West get good benefits there and do not want to return to Kosovo. Note.)

16. (C) The German government has also provided funds through the European Commission to the Kosovo Social Return Support Network Project in south Mitrovica (Roma Mahala) to establish a Return Center ("The Bridge"), which would assist returnees in the reintegration process. Nonetheless, UNHCR Mitrovica Field Office head Sunil Thapa told poloff that the idea of using a shelter in Mitrovica to hold deportees headed to all areas of Kosovo was flawed, pointing to the municipality's lack of capacity to handle forced returnees, lack of transport, and other problems. Thapa also voiced his fear that the existence of this shelter could become a pretext for accelerated returns from Germany. (Note: UNMIK refused a German proposal to fund new camps for RAE in the north, on the grounds that it would be used as justification for increased deportations. End Note.)

AUTHORITY TRANSFERRED WITHOUT REAL CAPACITY

17. (SBU) In preparation for status, UNMIK is transferring authority over migration and borders to PISG institutions. UNMIK Regulation 2005/53 made the PISG Ministry of Internal Affairs (MOIA) responsible for laws on movement of persons into and out of Kosovo. MOIA will take up readmission procedures during the foreseen transitional period after determination of final status. In May 2007, the final draft of a Readmission Policy was approved by the Repatriation Working Group. The draft designates the Ministry of Local Government (MLGA) as the chief coordinator of reintegration policy at the central level, with municipal Returns Officers (MROs) the chief point of contact for returnees at the local level. While the Readmission Policy foresees extensive government involvement by numerous actors, it does not contain any details to make the policy operational. (Comment: Notwithstanding the transfer of authority, MLGA, MIA, and other PISG institutions lack even basic capacities to handle a potential increase in forced returns. For example, MIA's Department of Border Administration and

Migration is staffed by only nine people. End Comment.)

DEPORTEES VULNERABLE

18. (SBU) Lack of housing is the most serious problem facing deportees; the property ownership rate in the RAE community has been low, and many who did own property sold it. Since these displaced populations fall outside criteria for existing reinsertion and reintegration programs, they are extremely vulnerable immediately after arrival. Although the International Organization for Migration (IOM) developed programs to provide temporary shelters for deportees in 2006, these competencies were transferred to the Ministry of Labor and Social Welfare, which lacked funding and canceled the program. There are currently no temporary shelters for deportees in Kosovo apart from the German-funded shelter in Mitrovica.

19. (SBU) Even if deportees return to their home municipalities, other problems await; information sharing is poor, with returnees often appearing "unannounced." Even with advanced notice, the capacity of municipalities to accept, shelter, and reintegrate large numbers of returnees is practically nonexistent. In 2006, the IOM started a municipality capacity-building project, but the project is only in its early stages and resources are scarce. During numerous field visits, USOP has talked to many deportees who confirm the numerous difficulties they face.

THREAT TO VOLUNTARY RETURNS PROGRAMS...

10. (C) Municipal funds for returns are dedicated solely to voluntary returns, so that large-scale deportations could disrupt these already-delicate programs. One example is the Roma Mahala project in south Mitrovica, which, due to

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political sensitivities, has taken longer than expected to resettle 54 voluntary-returnee Roma families. This relatively large investment, located on prime land in the city center, has created some resentment among local Albanians, according to UNHCR officials and the Municipal Deputy of south Mitrovica, Fatmire Berisha. UNHCR is afraid that increased numbers of deportees at the German-funded shelter co-located on the 3.5 hectares donated by the city for the Roma Mahala project could imperil the fragile progress to date; both Thapa and UNHCR Protection Officer Shubhash Wostey told us that the Mitrovica municipal government may try to halt the operation of the shelter, although they added that the municipality had not yet taken any concrete steps. Additionally, Thapa warned that municipal officials had threatened to annul the agreement granting the land for the original Roma Mahalla project because of the German-funded shelter.

11. (C) COMMENT: We should continue to encourage European governments, the UN and the PISG to manage the impact of large-scale deportations to Kosovo. A returns policy whose consequence -- intended or otherwise -- is the selective deportation of RAE back to untenable situations would be harmful.

LASKARIS